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RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLAY,  
ONONDAGA COUNTY, STATE OF NEW YORK  
**RE: GRANTING THE APPLICATION OF KIMBROOK ROUTE 31  
DEVELOPMENT, LLC FOR A ZONE CHANGE FROM RA-100  
RESIDENTIAL AGRICULTURAL TO RC-1 REGIONAL  
COMMERCIAL TO ALLOW FOR A PROPOSED 11,115 SQUARE  
FOOT RITE AID PHARMACY ON LAND LOCATED AT 3578  
STATE ROUTE 31, TAX MAP NO. 052.-02-11.2; CONSISTING  
OF APPROXIMATELY .38± ACRES OF LAND.  
IN THE TOWN OF CLAY, STATE OF NEW YORK**  
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At a Regular Meeting of the Town Board of the Town of Clay, County of Onondaga, State of New York, held at the Town Hall of the Town of Clay, located at 4401 State Route 31, Clay, New York, on the 5<sup>th</sup> day of **December 2016**, at **7:30 P.M.**, local time.

The meeting was called to order by Supervisor Damian M. Ulatowski and upon the roll being called the following Town Board members were:

**PRESENT:**

Damian M. Ulatowski	Supervisor
Naomi R. Bray	Councilwoman
William C. Weaver	Councilman
Joseph A. Bick	Councilman
James J. Rowley	Councilman
David J. Hess	Councilman

**ABSENT:**

Eugene B. Young	Councilman
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The following resolution was moved, seconded and passed, to wit:

**WHEREAS**, a Petition dated **December 27, 2016**, and made by **Kimbrook Route 31 Development, LLC** has been presented to the Town Board and filed in the Office of the Town Clerk of the Town of Clay, which Petitioner requests a change of zone of certain land hereinafter described by Petitioner, from **RA-100 Residential Agricultural to RC-1 Regional Commercial** to allow for a proposed 11,115 square foot Rite Aid Pharmacy on land located at **3578 State Route 31, Tax Map No. 052.-02-11.2**; consisting of approximately .38± acres of land; and

**WHEREAS**, the proposed zone change was duly referred to the Onondaga County Planning Board in accordance with Article 12 (B) of the General Municipal Law; and

**WHEREAS**, the Onondaga County Planning Board has reviewed and considered the referral from the Clay Town Board and recommended modifications prior to the Clay Town Board approval of proposed action; and

**WHEREAS**, the Planning Board of the Town of Clay has also examined into the application; held a public informational hearing on the matter and made its recommendation of approval to the Town Board of the Town of Clay; and

**WHEREAS**, the Town Board passed a resolution on **January 18, 2017**, calling a public hearing for **February 2, 2017**, commencing at **7:47 P.M.**, to consider said application at which time said public hearing was duly opened, held, and discussed and referred to the Planning Board for recommendation. Said hearing was adjourned to **March 6, 2017**, and again to **April 17, 2017**, commencing at **7:41 p.m.**, local time, at which time said public hearing was duly opened, held, and discussed; and further scheduled for **May 1, 2017**, commencing at **7:30 p.m.** for the purpose of SEQR, at which time the Town Board declared the zone change an unlisted action with a completed Environmental Assessment Form, and it was determined that the proposed project does not require the preparation of an E.I.S. and therefore approved at the Town Hall of the Town of Clay, located at 4401 State Route 31, Clay, Onondaga County, State of New York; and

**WHEREAS**, the Town Board of the Town of Clay has duly considered the Petition, evidence produced at said public hearings and the aforementioned recommendation; and

**NOW, THEREFORE**, be it

**RESOLVED, ORDERED AND DETERMINED** that the Town Board of the Town of Clay makes the following findings with respect to said Petition:

That the Town Planning Board reviewed said application and has recommended that said change of zone be approved with comments; the Town Board, after review of all submissions, public input, including the Environmental Assessment Form; has determined that the granting of said change of zone has no significant or adverse environmental impact; is compatible with the land use in the surrounding area; that the granting of said change of zone will not create a hazard to the health, safety and welfare of the Town of Clay residents; that the granting of said change of zone will not create a traffic hazard within the Town of Clay, nor will it adversely affect the property values of surrounding lands; that there are adequate facilities available to provide the necessary public improvements to accommodate the requested zone change; and that the granting of said zone change is in the best interest and welfare of the Town of Clay; and therefore that the request for a change of zone is approved, subject to the applicant combining the parcels as promised; and

**BE IT FURTHER RESOLVED, ORDERED AND DETERMINED**, that the petition and "The Zoning Map of the Town of Clay" shall be, and the same is hereby approved and be amended to change the zone of the following described parcel of land from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** to allow for neighborhood commercial use located on State Route 31, **Tax Map No. 052.-02-11.2**; and being bounded and described as follows: **BEGINNING** at a point in the southerly boundary of New York State Route No. 31 (Baldwinsville – Cicero S.H. No. 1039) said point being a northeasterly corner of Lot No. 7 of Kimbrook Village Square according to a map of said tract by Ianuzi & Romans Land Surveying, P.C. filed in the Onondaga County Clerk's Office December 13, 2000 as Map No. 9114; running thence N 69°28'23" E along said southerly boundary of New York State Route No. 31 (Baldwinsville – Cicero S.H. No. 1039), a distance of 105.02 feet to the westerly boundary of Lot No. 6A of Subdivision of Lot No. 6 Kimbrook Village Square according to a map of said tract by Ianuzi & Romans Land Surveying, P.C. filed in the Onondaga County Clerk's Office September 20, 2005 as Map No. 10264; thence S 21°45'45" E along said westerly boundary of Lot No. 6A of Subdivision of Lot No. 6 Kimbrook Village Square, a distance of 145.25 feet to a northeasterly corner of said Lot No. 7 of Kimbrook Village Square; thence S 86°49' 55" W along a northerly boundary of said Lot No. 7 of Kimbrook Village Square, a distance of 110.78 feet to a corner therein; thence N 21°45'45" W along an easterly boundary of said Lot No. 7, a distance of 112.19 feet to the point of beginning. Subject to any easements and restrictions of record.

**IT IS FURTHER RESOLVED AND ORDERED**, that the Town Clerk shall enter this change of zone resolution in the Minutes of the Town Board, shall cause a copy thereof to be published in the Post Standard, shall post a copy thereof together with the necessary change on the Zoning Map, on the sign board maintained by the Town Clerk pursuant to Section 30, Subsection 6 of the Town Law of the State of New York and shall cause Affidavits of Publication and Posting to be filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a roll vote, which resulted as follows:

Damian M. Ulatowski	Voting	Yes
Naomi R. Bray	Voting	Yes
William C. Weaver	Voting	Yes
Joseph A. Bick	Voting	Yes
James J. Rowley	Voting	Yes
David J. Hess	Voting	Yes

The Resolution was thereupon duly adopted.  
\* \* \* \* \*

STATE OF NEW YORK        )  
  ) SS:  
COUNTY OF ONONDAGA    )

I, the undersigned Clerk of the Town of Clay, County of Onondaga, State of New York, **DO HEREBY CERTIFY:**

That the preceding Resolution was duly adopted by the Town Board of the Town of Clay at a Regular Meeting of said Town Board duly called and held on **May 1, 2017** and, that said, Resolution was entered in the Minutes of the said Meetings; that I have compared the foregoing copy with the original thereof now on file in my office and that the same is a true and correct copy of said original and of the whole of said original.

**I FURTHER CERTIFY**, that all members of said Town Board had due notice of said Meetings.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Clay this day of **May, 2017**.

(S E A L)

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**JILL HAGEMEN-CLARK, TOWN CLERK OF THE TOWN  
OF CLAY, COUNTY OF ONONDAGA, STATE OF NEW YORK**

STATE OF NEW YORK     )  
  ) SS:  
COUNTY OF ONONDAGA)

The undersigned deposes and says:

1. That she is the Town Clerk of the Town of Clay, Onondaga County, State of New York.
2. That on **May 11, 2017** she duly caused to be posted a certified copy of the preceding Resolution on the Town Bulletin Board maintained pursuant to Subdivision 6 of Section 30 of the Town Law of the State of New York.
3. That on **May 11, 2017** she duly caused to be posted a copy of the preceding Resolution on the Town of Clay Website, [www.townofclay.org](http://www.townofclay.org), and published in the Post Standard under Legal Notices.

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**JILL HAGEMAN-CLARK, TOWN CLERK OF THE TOWN  
OF CLAY, COUNTY OF ONONDAGA, STATE OF NEW YORK**

Subscribed and sworn to before me  
this     day of **May 2017**.

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Notary Public